



0000096773

**INTERVENTION****ORIGINAL****BEFORE THE ARIZONA CORPORATION COMMISSION**

**WILLIAM A. MUNDELL**  
**CHAIRMAN**  
**MIKE GLEASON**  
**COMMISSIONER**  
**JEFF HATCH-MILLER**  
**COMMISSIONER**  
**JIM IRVIN**  
**COMMISSIONER**  
**MARC SPITZER**  
**COMMISSIONER**

**IN THE MATTER OF THE INVESTIGATION  
INTO QUEST CORPORATION'S COMPLIANCE  
WITH CERTAIN WHOLESALE PRICING  
REQUIREMENTS FOR UNBUNDLED  
NETWORK ELEMENTS AND RESALE  
DISCOUNTS**

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AZ CORP COMMISSION

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Arizona Corporation Commission

**DOCKETED**

JAN 10 2003

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Docket No. T-00000A-00-0194  
Phase III

**APPLICATION TO INTERVENE**

Mountain Telecommunications, Inc. ("MTI"), by its attorneys, pursuant to A.R.C. R-14-3-105, hereby applies to intervene in the above-captioned matter. In support of this application, MTI states as follows:

MTI is a telecommunications carrier certificated by the Commission to provide services, including competitive local exchange services, in the State of Arizona. MTI is incorporated under the laws of the State of Arizona, and its corporate headquarters are located at 1430 W. Broadway, Suite A-200, Tempe, Arizona 85282.

As a provider of telecommunications services, MTI utilizes network elements of Qwest Communications, the predominant incumbent local exchange carrier (ILEC) in Arizona which it acquires on an unbundled basis pursuant to Section 251(c) of the Communications Act of 1934, as amended (47 U.S.C. § 251(c)(3)) and subject to an interconnection agreement approved by the

Commission. MTI is especially reliant on the transport facilities of Qwest as well as Qwest's Local Interconnection Service. Qwest's transport rates and Local Interconnection Service rates are set forth in interconnection agreements and the Statement of Generally Available Terms approved by the Commission. MTI uses Qwest transport to connect its customers' premises with serving wire centers and to move telecommunications traffic between central offices within Qwest territory.

In Decision No. 64922 in Phase II of this proceeding,<sup>1</sup> the Commission ordered Qwest to develop transport rates based on the HAI model notwithstanding the fact that the resulting rates would be based on average costs rather than cost differences associated with distance. However, the Commission made clear that the averaged transport rates resulting from the HAI model would be interim rates and that the issue of transport costs would be further examined in Phase III of this proceeding.

As a company which utilizes Qwest transport throughout Arizona, MTI will be profoundly affected by the rates developed in Phase III. The significant adverse impact of the interim averaged HAI-based transport rates on MTI became shockingly clear in January when it received its first invoices from Qwest based on its implementation of the Commission's Decision 64922.<sup>2</sup> The transport rates implemented by Qwest in purported compliance with the interim transport rate development requirements of Decision 64922 have substantially increased MTI's transport costs. For example, pursuant to the rates implemented by Qwest in purported compliance with Decision No. 64922, the monthly charges to MTI for a six mile DS3 circuit

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<sup>1</sup> In the Matter Of The Investigation Into Qwest Corporation's Compliance With Certain Wholesale Pricing Requirements For Unbundled Network Elements And Resale Discounts, Docket No. T-00000A-00-0194, issued June 12, 2002.


<sup>2</sup> Simultaneously with the filing of this application to intervene, MTI has applied to intervene in Docket No. T-0205B-02-0871 (Arizona Corporation Commission v. Qwest Corporation Complaint and Order to Show Cause).

have increased from \$353.05 to \$1,834.61. The monthly charges for a four mile DS1 circuit have increased from \$47.14 to \$153.59. MTI estimates that these changes will increase its costs for transport and for local interconnection service by \$54,866.60 per month.

Based upon the foregoing, MTI is a party which will be significantly affected by the unbundled network element rates for transport to be addressed in Phase III of this proceeding. Accordingly, it is respectfully requested that MTI's application to intervene be granted, and that it be accorded full party status in this proceeding with the right to participate fully, including, but not limited to, engaging in discovery, presenting testimony, cross examining witnesses, and submitting such briefs and other legal memoranda as appropriate and in accordance with the Commission's rules and orders issued in the proceeding.

Respectfully submitted,

**MOUNTAIN TELECOMMUNICATIONS, INC.**



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January 8, 2003

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing documents on all parties of record in this proceeding by mailing a copy thereof, properly addressed with first class postage prepaid to the following:

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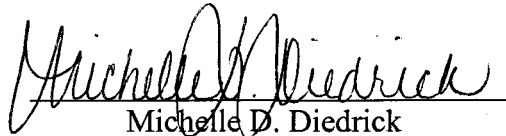
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Dated at Washington, D.C., this 8<sup>th</sup> day of January, 2003.

  
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